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114

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,422	09/20/2001	Takayuki Fujioka	9792909-5242	2711

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SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER
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BRIGGS, NATHANAEAL R

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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06/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/957,422	Applicant(s) FUJIOKA ET AL.	
	Examiner Nathanael R. Briggs	Art Unit 2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 April 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see pages 4-5, filed 10 April 2007, with respect to the rejection(s) of claim(s) 1-2 and 4-6 under 35 USC § 102(e) have been fully considered and are persuasive, because Applicant pointed out that Tsuda does not disclose wherein one concave gap is formed between two adjacent isolated pillar-shaped bodies. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of additional prior art.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuda et al. (US 5,936,688) in view of Nakamura et al. (US 5,847,789).**

5. Regarding claim 1, Tsuda discloses a method of manufacturing a diffusing reflector (see figures 2A-E and 5A-H, for instance) having processes of preparing a substrate (31); forming a first resin film having photosensitivity (32a) on said substrate (31); providing gathering of pillar-shaped bodies (32b) isolated from each other through patterning (33) of said resin film (32a) with the photolithography; deforming gently (32c) said pillar-shaped bodies (32b) through a reflow (column 10, lines 8-11); forming an uneven surface layer (37) having the maximum inclination angle of under 12° (see Fig. 2B) by coating said gently deformed pillar-shaped bodies (32c) and covering with a second resin (34a) open flat spaces (34a) located between said isolated pillar-shaped bodies (32b), thereby minimizing an occurrence of a flat surface area on said substrate (37); and forming a metal film (36) on gathering of said gently deformed uneven surface layer (34c). However, Tsuda does not expressly disclose wherein there is located one concave gap between two adjacent isolated pillar-shaped bodies.

6. Regarding claim 1, Nakamura discloses a method of manufacturing a diffuse reflector (see figures 1 and 2, for instance), includes steps of coating said gently deformed pillar-shaped bodies (4, 5) and covering with a second resin (6) open flat spaces (d3) located between said isolated pillar-shaped bodies (4, 5) to form one concave gap (d3) between two adjacent isolated pillar-shaped bodies (4, 5), thereby

minimizing an occurrence of a flat surface area on said substrate (2); and forming a metal film (7) on gathering of said gently deformed uneven surface layer (6).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the step of Nakamura in the method of Tsuda. The motivation for doing so would have been to gain good polarizing performance while obtaining diffusion properties to enhance the display, as taught by Nakamura (column 8, lines 21-27). Claim 1 is therefore unpatentable.

8. Regarding claim 2, Tsuda in view of Nakamura discloses a method of manufacturing a diffusing reflector as claimed in claim 1 (see figures 2A-E and 5A-H, for instance), wherein said maximum inclination angle is about 10° (Fig. 2B). Claim 2 is therefore unpatentable.

9. Regarding claim 4, Tsuda in view of Nakamura discloses a method of manufacturing a diffusing reflector as claimed in claim 1 (see figures 2A-E and 5A-H, for instance), wherein said reflow process is a heat treatment under the temperature of about 220° C (column 10, lines 12-13). Claim 4 is therefore unpatentable.

10. Regarding claim 5, Tsuda in view of Nakamura discloses a method of manufacturing a diffusing reflector as claimed in claim 1 (see figures 2A-E and 5A-H, for instance), wherein gathering of polygonal pillar-shaped bodies (32c; column 17, lines 32-36) isolated each other by the divided patterning of said resin film (34a) by said photolithography is provided. Claim 5 is therefore unpatentable.

11. Regarding claim 6, Tsuda in view of Nakamura discloses a method of manufacturing a diffusing reflector as claimed in claim 5 (see figures 2A-E and 5A-H, for

instance), wherein said resin film (34a) is patterned by the divided patterning means so that size of gap between said polygonal pillar-shaped bodies (32c) isolated each other is almost equal to the minimum resolution of photolithography (column 13, lines 33-40). Claim 6 is therefore unpatentable.

### ***Conclusion***

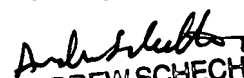
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathanael R. Briggs whose telephone number is (571) 272-8992. The examiner can normally be reached on 9 AM - 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs

6/12/07

  
ANDREW SCHECHTER  
PRIMARY EXAMINER